

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT W. PRESTON,

Plaintiff,

v.

No. CV 14-0278 KG/LAM

**CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed a Complaint on March 21, 2014 (*Doc. 1*), and Defendant filed an Answer on May 27, 2014 (*Doc. 9*). On May 28, 2014, the Court entered an *Order Setting Briefing Schedule* (*Doc. 13*), wherein Plaintiff was ordered to file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by July 28, 2014. To this date, Plaintiff has not filed a Motion to Reverse or Remand Agency Decision, nor has he requested an extension of time. A district court has inherent power to dismiss a case, even with prejudice, *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). Furthermore, the Court's local rules provide that a case may be dismissed if no steps are taken to move a case forward for ninety days. D. N.M. LR-Civ. 41.1.

IT IS THEREFORE ORDERED THAT no later than August 14, 2014, Plaintiff shall either file with the Court a Motion to Reverse or Remand Administrative Agency Decision with a

supporting memorandum of law, or file with the Court a response to this Order showing cause why this case should not be dismissed. Whichever he chooses to file, Plaintiff must serve a copy on Defendant. *Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal of this case without prejudice without further notice.*

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE